

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6876 OF 2014

Mr. Arun N. Mohol ...Petitioner.
vs.
The State of Maharashtra & ors. ...Respondents.

Mr. A.A. Joshi for the Petitioner.
None for the Respondent.

CORAM : R.M. BORDE AND
A.S. GADKARI, JJ.
DATE : 01st February, 2017

PC:

The petitioner is objecting to the order passed by the Maharashtra Administrative Tribunal dismissing the original application presented by him challenging the order of dismissal from service.

2. The petitioner was appointed as Jail Guard in the year 1992. It is alleged that the petitioner often used to remain absent from duty without prior intimation and on several occasions his absence was treated as extra ordinary leave however, no disciplinary action was taken against him. He remained absent from 22.6.2006 without prior permission and without submitting any leave application. According to petitioner, he informed the Attendant Master on telephone that due to ill health he will not attend the duty for a period of two months. The medical condition prohibiting him from attending the duty is stated to be ailment sciatica. The Medical condition that has been stated as reason for failure to attend the duty is not sufficient to condone his lapses and cannot be in any case

be termed as serious health hazard. The petitioner did not bother to inform his superiors nor sought prior permission in respect of his absence period of two months. Considering the nature of duties assigned, the petitioner's absence even for one or two days without prior intimation is not liable to be condoned. The petitioner was a member of disciplined force and was required to maintain the highest degree of devotion to duty. The health hazard which is claimed by the petitioner impeding him from attending duty is also not serious in nature to condone the serious lapse. There was a regular departmental inquiry conducted against the petitioner in respect of the charges levelled against him. It is not the case of the petitioner that he has not been extended opportunity of hearing or the principles of natural justice have been violated. The punishment that has been awarded is commensurate with the charges levelled against him. We do not find any infirmity in the order passed by the Maharashtra Administrative Tribunal in dismissing the original application presented by the petitioner. No interference is called for in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. Petition is devoid of any merits and is accordingly dismissed.

(A.S.GADKARI, J.)

(R.M. BORDE, J.)